

### **REMARKS**

Claims 39, 42-45, 48-50, 54, 56, and 58-64 are pending. A clean copy of the claims as amended is attached for the Examiner's convenience.

#### **I. Specification Amendments:**

The Title and Abstract have been amended to address the Examiner's concerns.

The Examiner also noted that the first paragraph of the specification should be amended to cite the lineage of this application (i.e., as a divisional of Ser. 10/230,847), but this was already done in the Preliminary Amendment filed concurrently with the filing of this application (i.e., on 1/22/04).

The Examiner also states that "references to websites should be removed" in paragraphs 31 and 35, but cites to no reason as to why Applicant should do this. Applicant is not aware of any law, rule, or MPEP provision that prohibits citation to websites, and has done so without objection in many other patent applications. Therefore, Applicant will not make this amendment to the specification until and unless the Examiner can cite to a law, rule, or MPEP provision justifying why this should be done.

#### **II. Double Patenting:**

Applicant files herewith a Terminal Disclaimer to obviate the obviousness-type double patenting rejection over USPs 6,887,521, 6,838,293, 6,566,147, and 5,735,960.

#### **III. Rejections Over the Prior Art:**

In responding to the Examiner's prior art rejections, Applicant here only justifies the patentability of the independent claims. As the Examiner will appreciate, should these independent claims be patentable over the prior art, narrower dependent claims would also necessarily be patentable. Accordingly, Applicant does not separately discuss the patentability of the dependent claims, although it reserves the right to do so at a later time if necessary.

Independent claims 39 and 54 have been rejected as obvious (35 U.S.C. § 103(a)) over USP 6,872,259 ("Strang"). In response, Applicant has narrowed his claims to patentably distinguish Strang.

Strang, as summarized in its Abstract, discloses tunable gas injection in a plasma processing system. Strang's system involves the use of nozzle units which are either adjustable or differently sized to effect the mass flow through the manifold (i.e., showerhead) in which the nozzle units are placed.

But this disclosure by Strang is completely silent concerning many of the limitations cited in Applicant's claims. First, Applicant claims that the flow regulators are piezoelectric. Strang's nozzle units are not themselves piezoelectric; the plate to which the nozzle units are coupled can be piezoelectrically controlled (at displacement actuators 170), but this is not what Applicant claims.

Second, Applicant's claims specify the conveyance of first and second source chemicals through first and second lines. This is not disclosed or suggested in Strang. Instead, Applicant can see in Strang only the disclosure of conveyance of a single source chemical. It is worth noting that the Examiner did not try to justify in Strang the disclosure of the conveyance of more than one source chemical, a limitation which was perhaps overlooked by the Examiner.

Third, Applicant claims that the first and second flow regulators are independently controllable. This is not disclosed in Strang, and instead in Strang each nozzle unit is controlled in unison by the displacement actuators 170.

For at least these reasons, Applicant's claims are not disclosed or suggested by Strang. Should the Examiner continue to reject Applicant's claims on the basis of Strang (or any other prior art reference), the Applicant would appreciate if the Examiner would show where each and every limitation is disclosed in (or suggested by) the prior art. Again, this point seems worth reiterating, because it appears to the Applicant that claim limitations were overlooked in the Examiner's analysis.

Should the Examiner have any question regarding this submission, please contact the undersigned.

Respectfully submitted,



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